

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

FRIDAY, THE SEVENTEENTH DAY OF DECEMBER  
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE**

**and**

**THE HON'BLE MR JUSTICE M.NARAYANA REDDY**

**WRIT APPEAL NO : 2045 of 2004**

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated  
14/09/2004 in WP NO : 10379 OF 1996 on the file of the High Court.)

Between:

M.R. Reddy, S/o. M. Bala Reddy,  
R/o. No. 13, Ligh Quarters, Zahirabad, Medak District.

**..... APPELLANT**

AND

- 1 Mandal Revenue Officer, Zahirabad, Medak District.
- 2 Executive Engineer, PWD & R&B, Sanga Reddy, Medak District.
- 3 District Collector, Sangareddy, Medak District.
- 4 The Municipal Administration Director, Govt of A.P., Hyderabad.
- 5 The Commissioner, Nagara Panchayat, Zahirabad, Medak District.

**.....RESPONDENTS**

**Counsel for the Appellant: MR.D.KRISHNA REDDY**

**Counsel for the Respondent Nos.1 and 3: GP FOR REVENUE**

**Counsel for the Respondent No.2: G.P. for Roads and Buildings**

**Counsel for the Respondent Nos.4 and 5: G.P. for Municipal Administration  
and Urban Development.**

**The Court made the following :**

ORAL ORDER: (per the Hon'ble the Chief Justice)

This appeal has been preferred against the order passed by learned single Judge dismissing the writ petition. Writ petitioner questioned the proceedings dated 23<sup>rd</sup> May, 1996 issued by the first respondent seeking eviction of the petitioner-appellant from LIG Quarter No.13 of Zaheerabad as illegal, unlawful and against principles of natural justice with further direction to respondents to allot the said quarter to the petitioner-appellant on hire purchase basis as per G.O.Ms.No.56 dated 28-10-1989. Learned single Judge in view of the prayer made in the writ petition went into the question of the petitioner's entitlement for being allotted the quarter on hire purchase basis in terms of the said G.O. and concluded that petitioner was not entitled to such benefit. Learned single Judge also held that once the petitioner was allotted quarter otherwise than by the Municipality and once he is transferred or retired from the post, the petitioner has to vacate the said quarter for being allotted to the needy Government employees. In nutshell, learned single Judge held that petitioner was not entitled to the prayer made in the writ petition. Learned single Judge also took notice of the stand taken by the respondents in the counter affidavit that

“In reply to para 7, it is submitted that the petitioner's contention is not correct. He stated that Kavelli village is 8 kilometres from Zaheerabad. Actually Kavelli village is 15 kilometres away from Zaheerabad. The petitioner has stated that since 1973 he has been working at different places on transfer from Zaheerabad. As per rules, he should have vacated the quarter within a month when his first transfer was effected from Zaheerabad. He has been illegally in occupation of the Government quarter, all these years whereby he is liable for penal rent. But he has concealed the fact of his transfer contravening the conditions of allotment of Government quarter for stay on rental basis. As such issue of notice asking him to vacate the Government quarter is legal and valid. The petitioner is also retired on 31-5-2002. He is not paying the rent since his retirement.”

Learned counsel for the appellant submits that the petitioner-appellant's case

ought to have been directed to be dealt with by the State government, which was only competent to consider the question of the petitioner's entitlement for allotment on hire purchase basis and thus prays that direction be issued to the State Government to consider his representation and take decision thereon.

We find no substance in the submission made before us inasmuch as the petitioner questioned the legality and validity of the eviction order and wanted the court to hold the petitioner entitled to allotment of quarter on hire purchase basis as per the G.O., aforementioned. Learned single Judge rightly went into the question and held that petitioner was not entitled to the benefit of the G.O and with such an order, we find no ground to interfere.

Appeal dismissed.

After the order was dictated, learned counsel for the appellant pointed out that since the petitioner is in occupation of the quarter, on the petitioner's undertaking to vacate the quarter within four months from today, respondents be directed not to enforce the order of eviction. We take on record the undertaking of the appellant's counsel and subject to the petitioner filing undertaking on affidavit on record within a week with a copy to the learned counsel for the respondents and acceptance of such undertaking and further subject to the petitioner clearing of the use and occupation charges upto date, we direct respondents not to evict the petitioner for four months from today.

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DEVINDER GUPTA, CJ

17-12-2004

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M.NARAYANA REDDY, J

Tvr

To

- 1 Mandal Revenue Officer, Zahirabad, Medak District.
- 2 Executive Engineer, PWD & R&B, Sanga Reddy, Medak District.
- 3 District Collector, Sangareddy, Medak District.
- 4 The Municipal Administration Director, Govt of A.P., Hyderabad.
- 5 The Commissioner, Nagara Panchayat, Zahirabad, Medak District.

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Hyderabad (OUT).

7. 2 CCs to the Govt. Pleader for Roads and Buildings, High Court buildings,  
Hyderabad (OUT).

8. 2 CCs to the Govt. Pleader for Municipal Administration and Urban  
Development, High Court Buildings, Hyderabad (OUT).

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